House File 2303 - Introduced

HOUSE FILE 2303

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A BILL FOR

- 1 An Act requiring consideration of anti-Semitism by governmental
- 2 entities when investigating possible discriminatory acts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. NEW SECTION. 216F.1 Legislative findings.
- 2 The general assembly finds and declares the following:
- Anti-Semitism, and harassment on the basis of actual
- 4 or perceived national origin, shared ancestry, or ethnic
- 5 characteristics with a religious group, remains a persistent,
- 6 pervasive, and disturbing problem in contemporary American
- 7 society.
- 8 2. Data shows that Jews are among the most likely of all
- 9 minority groups to be victimized by incidents of hate, and such
- 10 incidents are increasing at an alarming rate.
- 11 3. Campus anti-Semitism is systemic, broad, and deep, with
- 12 recent studies showing that the number of Jewish students
- 13 experiencing anti-Semitism on campuses across the United States
- 14 had spiked sharply.
- 4. State officials and institutions, including educational
- 16 institutions, have a responsibility to protect citizens from
- 17 acts of hate and bigotry motivated by discriminatory animus,
- 18 including anti-Semitism, and must be given the tools to do so.
- 19 5. Valid monitoring, informed analysis and investigation,
- 20 and effective policymaking all require uniform definitions.
- 21 6. While there is no one exclusive definition of
- 22 anti-Semitism, given the many forms anti-Semitism may take, for
- 23 the purposes of this chapter, the specifically conduct-based
- 24 definition of anti-Semitism adopted by the international
- 25 holocaust remembrance alliance, which consists of over thirty
- 26 nations, and subsequently used by the United States department
- 27 of state and the governments of numerous other nations,
- 28 has been an essential definitional tool used to determine
- 29 contemporary manifestations of anti-Semitism, and includes
- 30 useful examples of discriminatory anti-Israel acts that cross
- 31 the line into anti-Semitism.
- 32 7. Awareness of this conduct-based definition of
- 33 anti-Semitism, although it should not be taken as an exclusive
- 34 definition, will increase understanding of the parameters of
- 35 contemporary anti-Jewish crime and discrimination in certain

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- 1 circumscribed areas.
- 2 Sec. 2. NEW SECTION. 216F.2 Definitions.
- For purposes of this chapter, "anti-Semitism" means the
- 4 definition of anti-Semitism adopted on May 26, 2016, by the
- 5 international holocaust remembrance alliance, including the
- 6 contemporary examples of anti-Semitism accompanying such
- 7 definition. "Anti-Semitism" does not include criticism of
- 8 Israel similar to that leveled against any other country.
- 9 Sec. 3. NEW SECTION. 216F.3 Determination of discriminatory
- 10 acts consideration of anti-Semitism.
- In reviewing, investigating, or deciding whether there
- 12 has been a violation of any law, rule, or policy prohibiting
- 13 discriminatory acts, a governmental entity shall take into
- 14 consideration the definition of anti-Semitism set forth in this
- 15 chapter for purposes of determining whether an alleged act was
- 16 motivated by discriminatory anti-Semitic intent.
- 17 Sec. 4. NEW SECTION. 216F.4 Rules of construction.
- 18 This chapter shall not be construed to diminish or infringe
- 19 upon any right protected under the Constitution of the State of
- 20 Iowa or the first amendment to the Constitution of the United
- 21 States. This chapter shall not be construed to conflict with
- 22 local, state, or federal discrimination laws.
- 23 EXPLANATION
- 24 The inclusion of this explanation does not constitute agreement with
- 25 the explanation's substance by the members of the general assembly.
- 26 This bill requires a governmental entity reviewing,
- 27 investigating, or deciding whether there has been a violation
- 28 of any law, rule, or policy prohibiting discriminatory acts
- 29 to take into consideration the definition of anti-Semitism
- 30 set forth in the bill for purposes of determining whether
- 31 an alleged act was motivated by discriminatory anti-Semitic
- 32 intent.
- 33 The bill defines "anti-Semitism" as the definition of
- 34 anti-Semitism adopted on May 26, 2016, by the international
- 35 holocaust remembrance alliance ("IHRA"), including the

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- 1 contemporary examples of anti-Semitism accompanying such
- 2 definition. "Anti-Semitism" does not include criticism of
- 3 Israel similar to that leveled against any other country.
- 4 The IHRA definition provides: "Antisemitism is a certain
- 5 perception of Jews, which may be expressed as hatred toward
- 6 Jews. Rhetorical and physical manifestations of antisemitism
- 7 are directed toward Jewish or non-Jewish individuals and/or
- 8 their property, toward Jewish community institutions and
- 9 religious facilities". The IHRA definition includes 11
- 10 contemporary examples of anti-Semitism, including calling for,
- ll aiding, or justifying the killing or harming of Jews in the
- 12 name of a radical ideology or an extremist view of religion.
- 13 The bill shall not be construed to diminish or infringe upon
- 14 any right protected under the Constitution of the State of Iowa
- 15 or the first amendment to the Constitution of the United States
- 16 and shall not be construed to conflict with local, state, or
- 17 federal discrimination laws.